

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
ROBERT C. ADLER	:
	:
Plaintiff,	: <u>ORDER</u>
	:
-v.-	: 18 Civ. 8100 (PAC) (GWG)
	:
PAYWARD, INC.	:
	:
Defendant.	:
-----X	

GABRIEL W. GORENSTEIN, United States Magistrate Judge

The Court issued an Order on May 12, 2022, requiring the parties to bring any discovery disputes to the Court’s attention by following the Court’s Individual Practices (Docket # 57). The same order directed them to raise the disputes before the discovery deadline, which was July 21, 2022 for expert discovery (Docket # 55).

The plaintiff filed a letter motion several weeks later raising a discovery dispute and asking for a conference (Docket # 60), which the Court denied because the letter failed to comply with paragraph 2.A of the Court’s Individual Practices (Docket # 61). Plaintiff never timely filed a proper application for Court intervention and the discovery period expired. In response to the defendant’s request for permission to file a summary judgment motion (Docket # 65) following the conclusion of discovery, the plaintiff wrote to Judge Crotty to oppose the request. The plaintiff’s letter omitted this history --- stating only that “no [discovery] conference was ever held” and describing this circumstance as “unfortunate[]” (Docket # 66). Of course, the reason the Court did not hold a discovery conference was because plaintiff failed to properly request one. This same letter announces that plaintiff is “seeking sanctions and other relief before the Court.”

The Court remains mystified as to why the proposed application on discovery has never been properly filed to this day even though Judge Crotty issued an order on August 16, 2022, directing plaintiff to make such an application “promptly” (Docket # 68). All this being said, the Court will set a deadline of August 26, 2022, for the filing of any proper discovery application by plaintiff. The setting of this deadline is not an indication that the Court would necessarily find the application to be timely to the extent it seeks to re-open discovery. Obviously, if discovery is being sought, one of the issues that must be addressed is why the discovery period should be re-opened. Also, obviously, the application must comply with paragraph 2.A of the Court’s Individual Practices.

SO ORDERED.

Dated: August 22, 2022
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge